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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,579

12/19/2001

Francisco Jose Paz Barahona

47079-0124

9546

7590

05/05/2004

Michael J. Blankstein  
WMS Gaming Inc.  
800 South Northpoint Boulevard  
Waukegan, IL 60085

EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

10

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,579

Applicant(s)

BARAHONA ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges receipt of appeal on 2/23/04. Examiner has withdrawn the final rejection in view of newly discovered art. A detailed rejection is described below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Patent No. 5,851,148 to Brune et al. ("Brune") in view of US Patent No. 5,828,768 to Eatwell et al. ("Eatwell") in view of US Patent No. 5,133,017 to Cain et al. ("Cain") in view of JP 10-277213A to Heiwa.

In re claims 14, 20, and 26-29, Brune teaches a standard gaming machine that has elements of wagering, credit accepting and output mechanisms, bonus meters, and random outcome selection (1:1-2:67) all of which are well known in the gaming arts. Brune also teaches the devices that are used for gaming machines typically are computers, of which can be a desktop or laptop personal computers (5:25-48). Brune however, does not teach aspects of noise cancellation as claimed in the instant application. Eatwell teaches integration of speakers and microphones into a personal computer to form a novel multi-media computer that contains noise cancellation electronics (Abstract). The noise cancellation suits an array of other electronics including a multimedia PC, video monitor, television, laptop computer, etc., which from the

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above types, would include gaming machines. The active noise cancellation circuit (ANR) in a multimedia PC detects ambient or unwanted noise and produces a cancellation sound wave through the PC speakers (6:54-7:19). One would be motivated to modify Brune to use the noise cancellation system as taught by Eatwell so that a ambient noise, often associated with audibly perceptible annoyances, can be reduced, thus creating a quieter and more pleasant environment for a user. While Brune in view of Eatwell lack specific disclosure for reasoning used above, Cain provides support for that which is well known in the art of noise suppression. Cain teaches noise suppression is well known in the art to reduce substantial problems ranging from stress, safety hazards, and annoyance to physiological damage (1:1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brune to use the noise suppression in the gaming environment as taught by Eatwell and Cain, so that a user can have a more enjoyable gambling experience with less ambient noise. Heiwa teaches that pachinko game machines can have built in noise reduction units to reduce the noise from the game machines. The system facilitates noise reduction in response to predetermined conditions from the exterior of the game machine. Thus, Heiwa provides further evidence that it was known in the art at the time of the invention to reduce ambient noise in gaming halls though the use of noise reduction systems.

In re claims 14 and 21, Eatwell provides microphone and speakers isolated from each other (Fig. 12).

In re claims 16 and 22, Eatwell teaches that the ANR processing includes filtering (6:57-58).

In re claims 17 and 23, Eatwell teaches the ANR cancellation signal comes from

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speakers that also can produce sound from a main processor (6:61-64). Eatwell also teaches that the system was meant to be self-contained (6:18-24 and Fig. 12), which provides for the same speakers producing both game/multimedia sounds and ANR sounds.

In re claims 18 and 24, Eatwell teaches a plurality of speakers for driving both ANR sounds and game/multimedia sounds as discussed above. Such features would provide another speaker driven with game/multimedia sounds.

In re claims 19 and 24, Eatwell teaches microphone and speakers isolated from each other (Fig. 12).

### ***Response to Arguments***

Applicant's arguments with respect to claims 14-23 and 25-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Citation of Pertinent Prior Art***

US Pat. No. 6,638,169 to Wilder et al. teaches a system for gaming machines that reduces the level of ambient noise to surrounding players.

US Pat. No. 6,530,842 to Wells et al. teaches creating a sound reducing enclosure so that surrounding gaming/casino noise does not bother a player.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700